

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

DEIRDRE K. DUPEY,

Plaintiff,

v.

CAUSE NO.: 2:20-CV-465-TLS-JPK

EQUIFAX INFORMATION SERVICES,
LLC and TRANSUNION, LLC,

Defendants.

OPINION AND ORDER

This matter is before the Court on an Agreed Stipulation of Dismissal with Prejudice [ECF No. 26], filed by the Plaintiff and Defendant Transunion, LLC on June 18, 2021, and a Stipulation of Dismissal [ECF No. 27], filed by the Plaintiff and Defendant Equifax Information Services, LLC on July 2, 2021. In each filing, the Plaintiff and the named Defendant agree to the dismissal with prejudice of this action as to that Defendant only.

Federal Rule of Civil Procedure 41(a)(1)(A)(ii) provides that a “plaintiff may dismiss an action without a court order by filing . . . a stipulation of dismissal *signed by all parties who have appeared*.” Fed. R. Civ. P. 41(a)(1)(A)(ii) (emphasis added). Neither of the stipulations filed in this case has any effect within the meaning of Rule 41(a)(1)(A)(ii) because neither stipulation was signed by all parties.¹ Nevertheless, because the filings demonstrate that all parties agree that the claims in this case have been resolved, the Court finds that dismissal of this action with prejudice is appropriate. *See* Fed. R. Civ. P. 41(a)(2) (“Except as provided in Rule 41(a)(1), an action may be

¹ The Seventh Circuit Court of Appeals has held that the proper procedure for dismissal of individual parties or claims is by the amendment of pleadings under Federal Rule of Civil Procedure 15(a) and not by dismissal under Federal Rule of Civil Procedure 41(a). *Taylor v. Brown*, 787 F.3d 851, 857–58, 858 n.9 (7th Cir. 2015) (explaining that “Rule 15(a) allows a plaintiff to amend his complaint—including by adding or dropping parties and claims—as a matter of right in some situations and by court order in others” and reminding district courts to use Rule 15(a) rather than Rule 41(a) for dismissal of individual claims); *see also* 6 Fed. Prac. & Proc. Civ. § 1479 (3d ed.).

dismissed at the plaintiff's request only by court order, on terms that the court considers proper."").

Accordingly, the Court CONSTRUES the Agreed Stipulation of Dismissal with Prejudice [ECF No. 26] and the Stipulation of Dismissal [ECF No. 27] as a request to dismiss this case with prejudice and ORDERS that this case is DISMISSED with prejudice as to both Defendants.

SO ORDERED on July 6, 2021.

s/ Theresa L. Springmann

JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT